

LAW OFFICES
LEVENTHAL, SENTER & LERMAN P.L.L.C.

SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

March 24, 2000

DOCKET FILE COPY ORIGINAL

NORMAN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BRIAN M. MADDEN
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
NANCY L. WOLF
DAVID S. KEIR
DEBORAH R. COLEMAN
NANCY A. ORY
WALTER P. JACOB
ROSS G. GREENBERG
H. ANTHONY LEHV
JOHN D. POUTASSE
CHRISTOPHER J. SOVA
PHILIP A. BONOMO
JUAN F. MADRID
SARAH R. ILES

OF COUNSEL
MARLA R. WOLFE

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

WWW.LSL-LAW.COM

WRITER'S DIRECT DIAL
202-416-6774

WRITER'S DIRECT FAX
202-429-4614

WRITER'S E-MAIL
JPOUTASSE@LSL-LAW.COM

RECEIVED
MAR 24 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: MM Docket No. 99-339
Video Description of Video Programming

Dear Ms. Salas:

Transmitted herewith on behalf of Grupo Televisa, S.A. are an original and nine (9) copies of its Reply Comments in connection with the *Notice of Proposed Rulemaking* (FCC 99-353, released November 18, 1999) in the above-referenced proceeding.

Diskettes containing these Comments are being simultaneously submitted to Wanda Hardy and to International Transcription Services, Inc.

In connection with its representation of Grupo Televisa, S.A., Leventhal, Senter & Lerman P.L.L.C. has registered as a foreign agent under the Foreign Agents Registration Act.

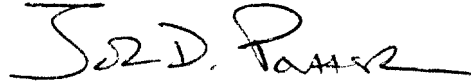
Please date-stamp the enclosed "Return Copy" of this filing and return it to the courier delivering the package.

LEVENTHAL, SENTER & LERMAN P.L.L.C.

Ms. Magalie R. Salas
March 24, 2000
Page -2 -

Should there be any questions concerning this matter, please contact the undersigned.

Respectfully yours,

A handwritten signature in black ink, appearing to read "J.D. Poutasse", with a stylized flourish at the end.

John D. Poutasse

Enclosures

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Implementation of)	MM Docket No. 99-339
Video Description of)	
Video Programming)	

To: The Commission

REPLY COMMENTS OF GRUPO TELEVISIA, S.A.

Grupo Televisa, S.A. ("Televisa"), a Mexican corporation, hereby replies to comments filed in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding (FCC 99-353, released November 18, 1999).

In its Comments, Televisa urged the Commission to decline to adopt mandatory rules for description of video programming and instead to allow market forces of supply and demand to determine when and to what degree video programming is described.¹ However, if the Commission were to adopt such rules, Televisa supported the Commission's conclusion that video programming distributors, not program producers, should be held responsible for compliance with the rules.² In addition, Televisa urged the Commission to exempt all foreign-language programming produced outside the United States ("Foreign-Language Programming") from the scope of any video description rules adopted. Televisa explained that producers of

¹ Televisa Comments at 2.

² *Id.* at 2-3.

Foreign-Language Programming lack the equipment, expertise and access to financial resources necessary to describe video programming, that the market for such programming is inadequate to justify the costs of video description, and that mandatory description would reduce the diversity of Foreign-Language Programming in the United States.³

Significantly, the only other commenter to address this issue -- International Cable Channels Partnership, Ltd. ("ICCP") -- agreed with Televisa that Foreign-Language Programming should be exempt from any mandatory video description requirements. Televisa fully supports the arguments advanced by ICCP in this proceeding.

Specifically, ICCP correctly pointed out that Foreign-Language Programming should not be subject to any video description requirements adopted by the Commission because such programming is produced outside of the United States.⁴ ICCP also demonstrated that because Foreign-Language Programming, including Spanish-language programming, appeals to smaller, niche markets, advertising and subscriber revenues for such programs are substantially smaller than those for English-language programming -- a fact that clearly magnifies the economic burden associated with mandatory description of video programming.⁵ Moreover, because production costs associated with Foreign-Language Programming typically are lower than those associated with English-language programming, video description costs will represent a much larger percentage of overall production budgets than would be the case with English-language programming. Finally, ICCP's comments make clear that mandatory video description raises

³ *Id.* at 3-8.

⁴ ICCP Comments at 2.

⁵ *Id.* at 5.


compelling issues under foreign copyright law, and that the Commission has given inadequate consideration to the impact of those laws on the rules proposed in this proceeding.⁶

Conclusion

For the reasons set forth herein and in its previously filed comments in this proceeding, Televisa respectfully submits that the Commission should not adopt mandatory rules for video description. In the alternative, the Commission should categorically exempt all Foreign-Language Programming from any such requirements it may adopt.

Respectfully submitted,

GRUPO TELEVISA, S.A.

By: 

Norman P. Leventhal
Barbara K. Gardner
John D. Poutasse

Leventhal, Senter & Lerman P.L.L.C.
2000 K Street, NW
Suite 600
Washington, DC 20006-1809
(202) 429-8970

March 24, 2000

Its Attorneys

⁶

Id. at 6-7.